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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

C.A. No. 0410718RGS

STEVEN HORNE and RONALD BROWN,

Plaintiffs,

v.

CITY OF BOSTON, SERGEANT ERIC BULMAN and

SERGEANT JOHN DAVIN,

Defendants.

DEPOSITION OF THOMAS A. DOWD

Friday, September 16, 2005

Roach & Wise, LLP

31 State Street

Boston, Massachusetts

10:13 a.m.

Reporter: Linda M. Grieco

320 Congress Street, Boston, MA 02210

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1 cars. I remember that was mentioned. I remember
 2 there was an issue about the way some officers
 3 interacted with some of the kids. I remember there
 4 was an issue about -- there was a wall along the
 5 corridor of the Gang Unit. I don't know if it had a
 6 name or not, but it had sort of like an impact
 7 player list or most wanted list. I remember there
 8 was a concern because everybody on the wall was a
 9 minority. There was -- I think that came up later.

10 Q. What, about the posters?

11 A. No, no, I'm sorry, the posters, I remember
 12 French telling me that. I was trying to remember.
 13 There was a point where it was brought up that -- I
 14 think it was in some later meetings that it came up
 15 that the mission of the Strike Force was sort of
 16 getting off center from what some of the minority
 17 officers thought were important issues. But I'm not
 18 sure if French brought that to me or it came up
 19 later. I can't recall that specifically.

20 Q. Anything else you can recall that French
 21 brought to your attention that minority officers
 22 complained about in February or March of 2000?

23 A. I'm trying to remember specifically and
 24 trying to separate them from the different meetings

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1 we had. Something about some of the officers that
 2 didn't fit within the unit. That there were
 3 officers who were assigned to the unit that didn't
 4 really belong there because they weren't going along
 5 with the general mission of the mission or what they
 6 felt the mission should be.

7 Q. That's something French brought to your
 8 attention?

9 A. I believe so, yeah.

10 Q. Was there anybody he specifically mentioned
 11 that wasn't going along with the mission of the
 12 unit?

13 A. There was a point of time, not at the
 14 initial meeting, but there was a point in time
 15 shortly thereafter where Lieutenant French and I
 16 met, and we went over some names within the unit
 17 that he identified as people that weren't in --
 18 whose main concern wasn't the identification and
 19 intervention of high risk youth. They were just
 20 basically going out there to try to make arrests and
 21 they weren't acting strategically, according to what
 22 he and apparently others in the unit thought.

23 Q. That who and others thought?

24 A. That he and others thought weren't

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1 performing in that overall strategic concept, I
 2 guess.

3 Q. Any names come up?

4 A. Well, let me see. I know there was some
 5 names -- there was names, because we went over them.
 6 I went over them with Rick Johnson and Bulman
 7 separately. And eventually there were some people
 8 transferred out of the unit as a result of that.

9 Q. Would Horne and Brown be among those names
 10 that were transferred out as a result of those
 11 discussions?

12 A. No, I don't believe they were on that list,
 13 sir.

14 Q. Do you remember who was on that list?

15 A. I remember Salucci was on the list. I
 16 remember there was an Asian officer on the list, and
 17 I can't remember his name. I think it began with a
 18 Y. I can't remember why I remember that. There was
 19 several names, and those are the only two that are
 20 jumping out at me.

21 Q. How many were black, how many were white, if
 22 you know?

23 A. I have no idea.

24 Q. Anything else Lieutenant French brought to

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1 your attention as a result of the complaints of
 2 black officers regarding race issues in the unit at
 3 that time?

4 A. Specifically I can't remember. I know we
 5 had lengthy conversations about this. I'm having a
 6 hard time itemizing it. There were a lot of
 7 discussions at the time.

8 Q. What was the mission of the Youth Violence
 9 Strike Force as you viewed it at the time?

10 A. As I viewed it at the time, the mission of
 11 the unit was to do -- well, couple of different
 12 things, but I guess toward the same general
 13 principle was to gather intelligence, to share
 14 information, to use that information to identify
 15 high risk youth, and particularly those high risk
 16 youth that there was a possibility of intervening
 17 with. It was also the mission of the unit to during
 18 the day tour, early in the day tour to do a lot of
 19 apprehension, warrant apprehension work,
 20 particularly for individuals that some of the
 21 district people or specialized units might be
 22 looking for. And also I guess to -- when certain
 23 areas or groups had flare-ups or a lot of activity,
 24 there was a lot of things going on, to sort of focus

Thomas A. Dowd

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1 supervisors before someone is transferred in or out?

2 A. Is that my normal practice, to talk to the
3 direct supervisors?

4 Q. Yes.

5 A. I'd say that usually I do, yeah.

6 Q. Would you say that, that's good practice
7 before someone is transferred out to talk to the
8 direct supervisors before any recommendations are
9 made for transfer, in general?

10 A. I found it to be.

11 Q. Okay. Can you tell me, sir, what Bulman
12 said when you spoke to him about these officers?

13 A. Well, I sat down at the table with both of
14 them together.

15 Q. Bulman and Johnson?

16 A. Yes. And went down the list name by name as
17 to whether they agreed that these officers should
18 move on, would be better suited someplace else. And
19 both of them, as I remember, indicated affirmatively
20 to every name that we talked about.

21 Q. Did they give you specifics as to why they
22 should be transferred, in their view?

23 A. My memory is that it was short type of
24 sentence or responses along the lines of, yes, that

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1 person is, you know, they're not picking up the ball
2 or they're not fitting in or, you know, those kinds
3 of things. Very short responses as we went through
4 the list of names.

5 Q. That's for each officer, correct?

6 A. Yes, yeah.

7 Q. Was Lieutenant French at that meeting?

8 A. No, sir.

9 Q. Have you now told me everything you can
10 recall about what you said to Bulman and Johnson at
11 that meeting and what they said to you after you met
12 with French?

13 A. At the meeting where we went over these
14 names?

15 Q. Yes.

16 A. Just specifically I can't recall anything
17 else. I just remember going over the names, talking
18 with them, getting their opinion on whether or not
19 these officers should be transferred. And that was
20 pretty much it.

21 Q. Do you know who initiated bringing the names
22 to French who then gave them to you before you went
23 over them? Would it have been Johnson and Bulman?

24 A. I don't know that anybody initiated it other

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1 than French.

2 Q. Why would French have initiated it?

3 Wouldn't he have had input from the supervisors
4 below him?

5 A. He may have.

6 Q. Do you know what the practice procedure
7 is -- let me start.

8 What is the Boston Police Department's
9 practice and procedure in that regard with respect
10 to initiation of transfers?

11 A. The procedure is not set in stone. It's not
12 formalized. It's not written. It's been my
13 experience that the procedure is when an officer is
14 transferred out of a unit, especially a specialized
15 unit, that there is generally issues that are
16 raised. And they work their way up through the
17 chain of command, and discussions are had and
18 decisions are made. I don't think that there's any
19 actual set policy as to how it goes.

20 Q. Now, what was the next step after you met
21 with Bulman and Johnson in terms of the transfer of
22 these officers?

23 A. I typed up a recommendation of transfer and
24 forwarded it through the chain of command.

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1 Q. Who did you send it to?

2 A. That would have been Superintendent Johnson.

3 Q. Is that the normal procedure for the Boston
4 Police Department, to type up a recommendation for a
5 transfer?

6 A. To my knowledge, yes.

7 Q. Do you know if there's one that exists for
8 Brown and Horne when they were transferred in 2001?

9 A. I have no idea.

10 Q. You have no knowledge of that?

11 A. No, sir.

12 MR. ROACH: That was going to be my next
13 question, actually, if he's a designee for number
14 six on Exhibit 47?

15 MS. HARRIS: He is not.

16 MR. ROACH: Okay, then I won't ask
17 anymore questions about that particular category.

18 Q. So after it was typed up, can you tell me
19 what was on your typed up recommendation?

20 A. It would have been very brief. It would
21 have been similar almost in format to the order in
22 that I would address it to superintendent from
23 myself, I recommend the following officers so on and
24 so forth be transferred from the unit, and would

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1 word transfers?
 2 A. Yes, sir.
 3 Q. It talks about the commissioners
 4 recommendations or response regarding the concerns
 5 about transfers, correct?
 6 A. There is a section for transfers on the page,
 7 yes, sir.
 8 Q. It says here that the right of assignment is
 9 at the discretion of the commissioner who has the final
 10 decision; is that correct?
 11 A. Yes. The final decision will be reserved to
 12 management.
 13 Q. Do you know what it means by management, what
 14 that includes?
 15 MS. HARRIS: Objection.
 16 A. I believe he is referring to him self and the
 17 members of his command.
 18 Q. And the command staff?
 19 A. Yes.
 20 Q. Would that be people like Lieutenant French,
 21 people who command the units, or Lieutenant Foley?
 22 A. Yeah.
 23 Q. Is that a yes?
 24 A. Yes.

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1 Q. I would like to show you your deposition
 2 transcript, and I believe you testified -- and we can
 3 do it without you're looking at it, but you stated that
 4 you he had emailed Bobby Johnson about the complaints
 5 the minority officers had raised when you initially
 6 heard about it. Do you remember testifying to that?
 7 A. Yes. I wasn't sure if I emailed to him or
 8 telephoned him or both, but I remember talking about
 9 the email.
 10 Q. If you had emailed him, where would that
 11 email be today?
 12 A. I have absolutely no idea, sir.
 13 Q. What was your policy or procedure with
 14 respect to keeping emails on issues?
 15 A. I don't have a policy for keeping emails.
 16 Q. Is there any policy or procedure or rule
 17 within the police department about keeping emails or
 18 records on complaint issues of this nature that we were
 19 talking about?
 20 A. Not that I'm aware of, sir.
 21 Q. If you had emailed him, what was your normal
 22 custom and policy in terms of your own record keeping?
 23 A. I don't know that I necessarily would have
 24 maintained permanent files of the emails or any reports

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1 that came across my desk. Although, I would have
 2 created a file or kept them in a file I had for a
 3 specific unit.
 4 Q. Do you have a file that you had when you were
 5 the superintendent over at the Youth Violence Strike
 6 Force?
 7 A. I don't have it now, sir, no.
 8 Q. Did you have a file at 364 Warren Street?
 9 A. Yes, sir.
 10 Q. Is that file still there?
 11 A. I have no idea.
 12 Q. What did you do with the file when you left?
 13 A. I left it in the commander's office.
 14 MR. ROACH: Again, I will request that,
 15 please. I will put it in a letter to you if you like,
 16 but I think it will be relevant to this case.
 17 MS. HARRIS: Okay. And I think it's
 18 been looked for but no longer exists, but I will
 19 confirm that.
 20 Q. Would you know whether it's been looked for
 21 and whether it no longer exists?
 22 A. I don't know if it has been looked for. And
 23 if somebody pulled it out of the file cabinet, I would
 24 be surprised.

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1 Q. Is there any procedure for superintendents
 2 who are over a unit to pass their files to each other
 3 so they can effectively communicate as to what the
 4 history of the work is before the new person takes
 5 over?
 6 A. I was deputy superintendent at the time and
 7 not that I am aware of. I don't think there was.
 8 Q. You were the deputy superintendent, but your
 9 office was in the Youth Violence Strike Force, correct?
 10 A. It was in special operations headquarters on
 11 Warren Street.
 12 Q. And that also houses the Youth Violence
 13 Strike Force?
 14 A. Yes.
 15 Q. Who took over for you when you left as deputy
 16 superintendent? Who assumed your job?
 17 A. Deputy Cellucci.
 18 Q. Is it your testimony when a deputy
 19 superintendent such as yourself of the bureau leaves,
 20 there is no policy with respect to transferring or
 21 maintaining a file for the next deputy superintendent
 22 coming in?
 23 A. No, sir.
 24 Q. That's correct there was no --